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S.B. CIVIL MISC. APPEAL NO.1905/2006.
Bhanwar Singh & Anr. Vs. Jaswant Singh & Anr.

Date of Order :: 12th February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. K.R. Saharan, for the appellants.

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For awarding compensation to the parents of the vehicular accident victim Devendra Singh, said to be 21 years in age, having obtained diploma in Computers and allegedly earning Rs.4,000/- per month, the Tribunal has not accepted the assertion of the income of the deceased as made by the claimants but put an estimate on his income at Rs.3,000/- per month, and after deducting one-third therefrom on personal expenditure of the deceased and with application of multiplier of 13 in view of the age of the parents in the range of 48 to 52 years, has assessed pecuniary loss at Rs.3,12,000/- and has further allowed Rs.2,000/- towards non-pecuniary loss and Rs.2,000/- towards funeral expenses and in this manner, has made the award in the sum of Rs.3,16,000/- together with interest @ 6% per annum in favour of the claimant-appellants.

Learned counsel Mr. K.R. Saharan appearing for the appellants seeking enhancement over the amount so awarded by the Tribunal as compensation has strenuously contended that the Tribunal has been in serious error in

estimating the income of the victim only at Rs.3,000/- per month; that the same was ought to be considered minimum at Rs.4,000/- per month; that the salary certificate Ex.17 and affidavit of the employer of the deceased Ex.18 has not been taken into consideration while estimating the income of the deceased and, therefore, assessment of pecuniary loss has been lower side.

Having given a thoughtful consideration to the submissions made on behalf of the appellants by the learned counsel and having examined the impugned award in its totality, this Court is of opinion that the ultimate award so made by the Tribunal in the sum of Rs.3,16,000/- in favour of the claimant-appellants cannot be said to be falling short of just compensation admissible in this case.

Even if the submissions as made by the learned counsel regarding the income of the deceased at Rs.4,000/- per month are accepted on their face value, the fact remains that the deceased was an unmarried person and the Tribunal has taken entire of two-third of his estimated income towards loss of contribution for the parents. Looking to the future certainties and uncertainties, likelihood of the deceased getting married in future and thereby a larger part of his income getting diverted to his own family could not have been ignored altogether. Viewed in that context, this Court is of

opinion that not more than one-half of the estimated income of the deceased could have been taken towards loss of contribution for the parents. In this view of the matter, the award as made by the Tribunal with application of multiplier of 13 to the multiplicand of Rs.24,000/- per annum at Rs.3,12,000/- towards loss of contribution for the parents cannot be said to be insufficient. Of course, the Tribunal has restricted in awarding the amount towards non-pecuniary loss; yet the ultimate amount awarded by the Tribunal in the sum of Rs.3,16,000/- does not fall short of just compensation and there appears no scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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